

BILL LOCKYER, Attorney General  
of the State of California  
JOSE R. GUERRERO, State Bar No. 97276  
Supervising Deputy Attorney General  
RUSSELL W. LEE, State Bar No. 94106  
Deputy Attorney General  
CATHERINE E. SANTILLAN  
Senior Legal Analyst  
California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5579  
Facsimile: (415) 703-5480

Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

OLIVER DOFILES  
427 Alvarado Street  
San Leandro CA 94577

Applicant/Respondent.

Case No. 1D 2006 64773

**STATEMENT OF ISSUES**

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Statement of Issues solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about June 9, 2006, the Physical Therapy Board of California, Department of Consumer Affairs received an application for a Physical Therapist License from Oliver Dofiles (Applicant). On or about June 8, 2006, Oliver Dofiles certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. On or about August 14, 2006, the Board denied the application. On or about August 24, 2006, Applicant requested a hearing.

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1                   “(2) Done any act involving dishonesty, fraud or deceit with the intent to  
2 substantially benefit himself or another, or substantially injure another; or

3                   “(3) Done any act which if done by a licentiate of the business or profession in  
4 question, would be grounds for suspension or revocation of license.

5                   “The board may deny a license pursuant to this subdivision only if the crime or act  
6 is substantially related to the qualifications, functions or duties of the business or profession for  
7 which application is made.

8                   . . .

9                   “(c) A board may deny a license regulated by this code on the ground that the  
10 applicant knowingly made a false statement of fact required to be revealed in the application for  
11 such license.”

12                   7.       Section 2660.2 of the Code states:

13                           (a) The board may refuse a license to any applicant guilty of  
14 unprofessional conduct. . .

15                           (b) The applicant shall have the right to appeal the denial, or the issuance  
16 with terms and conditions, of any license in accordance with Chapter 5  
17 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
18 Government Code, and the board shall have all the powers granted therein. The  
19 action shall be final, except that the propriety of the action is subject to review by  
20 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

21                   8.       California Code of Regulations, title 16, section 1399.20, states:

22                           For the purposes of denial, suspension or revocation of a license, pursuant to  
23 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be  
24 considered to be substantially related to the qualifications, functions or duties of a person  
25 holding a license under the Physical Therapy Practice Act if to a substantial degree it  
26 evidences present or potential unfitness of a person to perform the functions authorized  
27 by the license or approval in a manner consistent with the public health, safety or welfare.  
28 Such crimes or acts shall include but not be limited to the following:

1 (a) Violating or attempting to violate, directly or indirectly, or assisting in or  
2 abetting the violation of, or conspiring to violate any provision or term of the Physical  
3 Therapy Practice Act.

4 . . .

5 (c) Violating or attempting to violate any provision or term of the Medical  
6 Practice Act.

7 FIRST CAUSE FOR DENIAL OF APPLICATION

8 (Dishonest Act)

9 9. Respondent's application is subject to denial under sections 475(a)(1),  
10 475(a)(3) and 475(a)(4), 480(a) (2) and 480(a)(3) in that he committed a dishonest act, and he  
11 failed to provide evidence of rehabilitation since the denial of his application on June 7, 2005.  
12 The circumstances are as follows:

13 Application dated April 4, 2005

14 10. On or about April 4, 2005, Applicant signed and submitted an application  
15 for licensure as a physical therapist and physical therapist assistant in the State of California. On  
16 or about June 7, 2005, the Board informed respondent that his applications were denied based on  
17 Business & Professions code sections 480(a)(2) [dishonest act] and 480(a)(3)(c)[knowingly made  
18 a false statement of fact required to be revealed in the application]. Pursuant to an investigation,  
19 the Board learned that in July 2004, respondent falsified a Board document to falsely claim that  
20 he had passed the National Physical Therapy examination, and from February 2004 until January  
21 2005, he worked as a Physical Therapist and Physical Therapist License Applicant when he was  
22 not licensed to do so.

23 11. In a letter to respondent dated June 7, 2005, the Board informed  
24 respondent that his application was denied, and that he was eligible to re-apply for licensure on  
25 or after June 8, 2006. Respondent did not request a hearing on the denial of the application  
26 within sixty days after service of the notice of denial.

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Application dated June 12, 2006

12. On or about June 8, 2006, respondent re-applied for licensure as a Physical Therapist in the State of California. In response to question 11, "Have you ever been issued a physical therapist and/or physical therapist assistant license in any state?," he answered "Yes," and stated that the State of Delaware had issued Physical Therapist License J1-0002051 to him on December 21, 2005.

13. The Board conducted an investigation regarding respondent's Delaware license and learned the following:

14. On or about September 19, 2005, respondent submitted an application for licensure as a physical therapist with the State of Delaware. He signed an affidavit certifying that the information in the application was complete and true, and that he understood that the material omission of information which might have a bearing on licensure might result in the denial of licensure.

15. Question 11 in the Delaware application asked: "Has your license ever been revoked or suspended or other disciplinary action taken or pending or your application for license or registration been refused, revoked, or suspended by the authorities of another state, territory or country?" Applicant checked the "No" response; however, he was aware that the State of California had denied licensure to him on June 7, 2005. The State of Delaware issued a physical therapist license to him on December 21, 2005.

16. On or about July 27, 2006, the California Physical Therapy Board wrote to respondent and requested additional information to evaluate his June 8, 2006 application for licensure. Specifically, the Board requested that respondent provide information regarding rehabilitation since the denial of his application on June 7, 2005 pursuant to California Code of Regulations section 1399.21, and asked for an explanation for his failure to disclose the denial of his 2005 California license application in the Delaware license application.

17. On or about July 31, 2006, respondent submitted the requested information. On or about August 14, 2006, the Board denied the application based on respondent's violations of Business & Professions code sections 480(a) (2) [dishonest act] and

1 480(a)(3) [knowingly making a false statement of fact required to be revealed in the application].

2 18. Respondent's failure to provide evidence of rehabilitation pursuant to  
3 California Code of Regulations section 1399.21, and his failure to report the June 7, 2005 denial  
4 of his California application for licensure to the State of Delaware, is grounds to deny his license  
5 pursuant to code sections 475(a)(3) and 480(a) (2) [dishonest act]; 475(a)(1) and  
6 480(a)(3)[knowingly making a false statement of fact required to be revealed in the application];  
7 475(a)(4) and 480(a)(3) [performance of an act which would be grounds for suspension or  
8 revocation] and is substantially related to the qualifications, functions or duties of physical  
9 therapy.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
13 decision:

- 14 1. Denying the application of Oliver Dofiles for a Physical Therapist License;  
15 2. Taking such other and further action as deemed necessary and proper.

16 DATED: September 26, 2006

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19 Original Signed By:  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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24 Dofiles Statement of Issues.wpd  
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